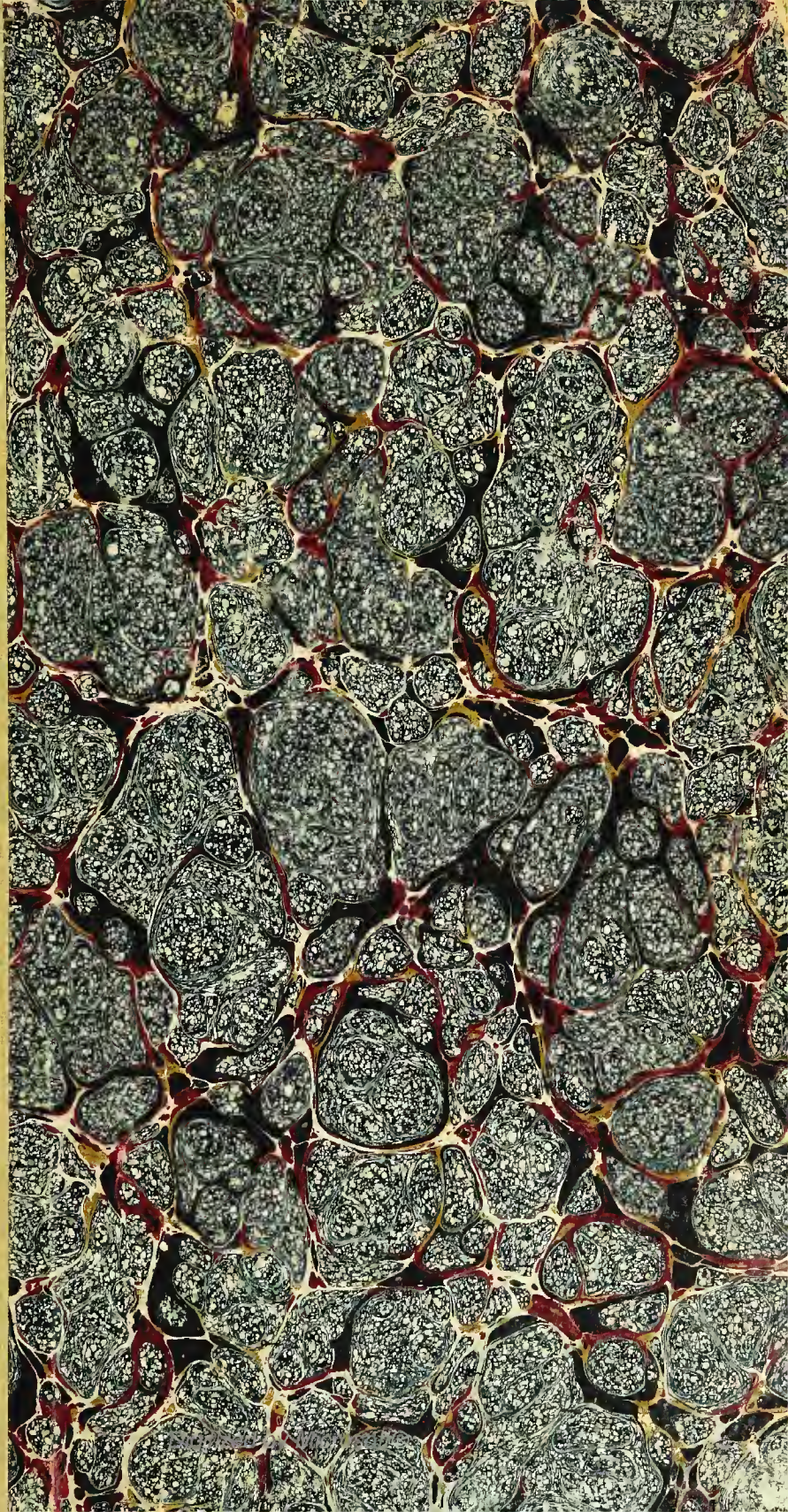


BAKER. The Anglo-Venezuelan boundary dispute.

F  
2331  
B72  
B16



F  
2331  
B72  
B16

<b>Cornell University Library</b>	
THE GIFT OF	
Professor G. L. Burr	
A. 140072	24/9/02



*Marcus Baker*

THE  
ANGLO-VENEZUELAN BOUNDARY DISPUTE

BY

MARCUS BAKER,  
CARTOGRAPHER, U. S. GEOLOGICAL SURVEY

---

REPRINTED FROM THE NATIONAL GEOGRAPHIC MAGAZINE, VOL. XI,  
NO. 4, APRIL, 1900

---

WASHINGTON, D. C.  
JUDD & DETWEILER, PRINTERS  
1900

*This book was digitized by Microsoft Corporation in cooperation with Cornell University Libraries, 2007.*

*You may use and print this copy in limited quantity for your personal purposes, but may not distribute or provide access to it (or modified or partial versions of it) for revenue-generating or other commercial purposes.*

## THE ANGLO-VENEZUELAN BOUNDARY DISPUTE

By MARCUS BAKER,

*Cartographer, U. S. Geological Survey*

*Introduction.*—For nearly three score years Great Britain and Venezuela had wrangled over their boundary. No dividing line had ever been drawn by them, acting together. Venezuela always claimed to the Essequibo River. Great Britain, successor to the Dutch, claimed all the Dutch had had. The Dutch never established their limits on the Venezuelan side, and their indefinite western limit did not shrink in the hands of the British. In the course of a long diplomatic correspondence, proposals and counter-proposals were made and rejected. Thus for fifty-five years the squabble dragged on and on, from the days of Schomburgk, in 1841, to the day of Cleveland, in 1895. Cleveland's now famous message has been called harsh, but, as has been well pointed out and as the sequel shows, it made for peace. Sometimes a frank, blunt word, like the surgeon's lancet, hurts cruelly, but cures.

Already the story of this dispute is ancient history. It requires some imagination to recall the tension which, only four years ago, strained, almost to the breaking point, the friendly relations of the two greatest world powers. War between Spain and America; war between Great Britain and the South African Dutch; Venezuela torn and rent by civil war; and in the midst of it all a peace conference of the nations at the Hague striving, working, hoping for perpetual, universal peace.

Boundary disputes, whether between individuals or nations, are wont to be long and bitter; and, oftener than otherwise, changes of boundary result from war. Sometimes the result is direct, sometimes

indirect. The bitterness over the Alsace-Lorraine boundary is strikingly in evidence on the continent today. The boundary line between Massachusetts and New Hampshire, surveyed and marked in 1741, has, after a lapse of about 150 years, only recently been accepted. The Alaskan boundary, established in 1825, still drags on, unsurveyed and unmarked, a source of growing irritation and bitterness.

*The Disputed Tract.*—The tract in dispute comprised an area of about 50,000 square miles. England, with an area of 51,000 square miles, and New York, with an area of 49,000 square miles, is about equal in extent to the territory in dispute.

The tract is bounded on the east by the Essequibo, on the north by the Atlantic and lower Orinoco, on the west by a low, flat watershed separating it from the Caroni, an affluent of the lower Orinoco, and on the south by a mountainous district forming the watershed which separates the streams flowing northward to the Atlantic from those flowing southward to the Amazon. It is included between the 4th and 10th parallels of north latitude and between the 58th and 64th degrees of west longitude. It may be broadly characterized as a low, bench country, buried for the most part beneath a tropical forest of marvelous density and beauty. Lying near the heart of the torrid zone, with the sun passing day after day forever through or near the zenith, and through two rainy seasons of each year furnished for weeks together with downpours of warm rain that suggest a deluge, we have the conditions of nature's own hot-house. From these two conditions of excessive heat and excessive moisture comes the forest covering, which in density, beauty, and variety travelers agree in describing by the word *indescribable*. Beyond the forest tracts there are, in the interior, unforested districts called savannas, which, according to character of soil and altitude, are either swampy, hard and grass-covered, or partially desert. The culminating point of the region is Mount Roraima, about 220 miles from Demerara, on the coast, near latitude 4° and longitude 61°. This mountain is a sandstone mesa whose almost inaccessible flat top is 8,600 feet above the sea-level. Its walls are everywhere cliffs more than half a mile high. From this natural rock fortress the country gently slopes away and then drops in cliffs or benches, so far as we know. In this benched country are deep canyons, with numerous waterfalls—one the Kaieteur fall, on the Potaro, being 900 feet high. Pictures of Mount Roraima and Kaieteur Fall may be seen on the current issue of British Guiana postage stamps.

Guiana is a name that was applied three centuries ago to an extensive and ill-defined tract along the coast between the Amazon and the Orinoco. This has come, in course of time, to be possessed by French, Dutch, and English. The easternmost is French Guiana or Cayenne, whose Devils Island Dreyfus has made famous or infamous. Next west is Dutch Guiana or Surinam, and west of it is British Guiana, formerly the united colony of Essequibo and Demerara. Most of the part yet farther west, which was sometimes called Spanish or Venezuelan Guiana, has been awarded to Great Britain.

Great efforts were made by Spain three centuries ago to conquer and possess Guiana, a region reported and believed to be fabulously rich in gold. On the shores of a vast mythical sea rose a vast mythical town, El Dorado, presided over by a mythical, gilded king. Raleigh sought to conquer this country and its supposed wealth for his queen, Elizabeth; but the Spaniards contested his advance. His son was killed in the assault upon Santo Thomé. He returned to England, was accused by the Spanish minister of piracy, and by order of King James beheaded. But, though he wrote a book about Guiana which set the imagination of Europe on fire, little progress was made in penetrating or exploring it. And why? The answer is easy. The dense forests offered to the white traveler an almost impenetrable barrier. These were traversed by savage animals and yet more savage men, the ferocious, man-eating Caribs. The only practicable route to the interior was by the rivers; but the region is a bench country, rising, as one penetrates it, by a series of steps or benches. Thus it happens that, ascending the rivers (other than the Orinoco), the border land of alluvium on the coast is hardly passed before the traveler meets a cataract or rapid or series of rapids blocking the way. Patiently carrying or dragging his wood-skin canoe through dense woods around the obstacle, he may paddle a short distance against a strong current only to find another cataract and yet another in wearisome succession. To penetrate the interior through the water-soaked and swampy forest jungle is well-nigh impossible. To penetrate it by the streams is only possible in small boats, and then with difficulty and danger. These are the conditions and these the reasons why the world was so long in gaining its small store of knowledge about the interior of Raleigh's wonderland, Guiana.

*Origin of Title.*—Neither Venezuela nor Great Britain holds in South America by original title. Venezuela derives her title from Spain, a title acquired by war, with resulting conquest and cession. Great

Britain similarly acquired her title from the Dutch by war, with resulting conquest and cession. Venezuela succeeded to Spanish rights and Great Britain to Dutch rights. Thus the arbitral tribunal was engaged in trying the title to a piece of real estate. True, the estate was large; true, the parties were great corporations. Trial to the title of a tract claimed by two states of our Union may be tried before our Supreme Court, but no permanent court exists for trying the title to lands claimed by two nations. The appeal, therefore, has often, in such cases, been to the force of arms rather than to the force of argument. By agreement of the claimants in this case, the matter was to be settled by a battle of brains rather than by a battle of bullets.

Spain's title to the disputed territory is thus stated in Venezuela's case:

Spain first discovered the new world; first explored its continents; first explored, possessed, and settled Guiana, and first firmly established herself in that province as its sole and lawful owner.

Similarly, Venezuela's title is thus stated:

Venezuela revolted from Spain April 19, 1810. On March 30, 1845, Spain recognized Venezuela's independence and formally renounced in her favor all the sovereignty, rights, and claims previously her own in the territory formerly known as the Captaincy-General of Venezuela. Said territory included the region now in dispute.

Such is the Venezuelan title. The British title cannot be so succinctly stated. In very brief, however, it is as follows:

In 1581 the Dutch, then subjects of Spain, revolted and entered upon that long and bloody war which resulted in their independence in 1648. During this war the Dutch, in 1598, made a trading voyage to the Guiana coast. This voyage, made 100 years after the Spanish discovery of this coast, was the *first* Dutch voyage thereto of which we have any definite knowledge. Already Trinidad had been occupied by the Spanish, a Spanish settlement planted on the lower Orinoco, and formal and ceremonial possession taken of Guiana by Spaniards in the name of their King. In June, 1621, was created by the States-General of the United Netherlands the Dutch West India Company. By the terms of its charter no native or inhabitant of the Netherlands was permitted, except in the name of the company, to sail upon or trade with the countries of America and the West Indies, from Newfoundland to Cape Horn and from Cape Horn to Bering Strait. Trade to the New World, without permission of the company, was, by the charter, forbidden to all Dutchmen. The company ex-



isted for 53 years. After several extensions of its charter it finally died in 1674, and a wholly new Dutch West India Company was then created, which lived for 117 years, being finally dissolved in 1791.

Under the original charter of 1621 the company, in or about the year 1626, established a trading post some 50 miles up the Essequibo, at the junction of the Cuyuni and Mazaruni rivers, on a small, rocky islet, which they named Kykoveral, or See-over-all. Here lived a few unmarried employés of the company and carried on with the natives a trade for the dyes of the forest, balsam, hammocks, canoes, etc. There were no colonists, no cultivation, save possibly a bread garden, and no industries, save, probably, fishing for the use of the post. It was a trading post, and was, down to 1648, the sole Dutch occupation of the disputed tract. Under these conditions the long war between Spain and her rebellious subjects ended in 1648. By the treaty of peace at Münster in that year the Dutch achieved their independence. At the same time and by the same treaty Spain agreed that the Dutch should "remain in possession of and enjoy such lordships, towns, castles, fortresses, commerce, and countries of the . . . West Indies . . . and America" as they then held and possessed.

This, then, was the Dutch title, a title which remained Dutch for one hundred and sixty-six years. In April, 1796, Great Britain and the Netherlands being then at war, an English fleet appeared at Demerara and took possession of that river and Essequibo. Possession was held by the English for six years. In 1802, by the peace of Amiens, these possessions were restored to the Dutch. But war broke out again the next year, and Great Britain again took the possession which has since remained unbroken. The war, which broke out in 1803, was terminated by the treaty of London, in 1814, whereby the Netherlands ceded to Great Britain the Cape of Good Hope, in Africa, and the establishments of Demerara, Essequibo, and Berbice, in America.

Such is the Dutch-British title, which may be still more succinctly stated as follows: The Dutch, while subjects of Spain, revolt and squat on Spanish land in America. When the war ends Spain confirms to them the possession they have taken. This possession is afterward, in war, taken from the Dutch by the British. The possession taken by the British is confirmed to them by treaty, and such is the British title.

*Schomburgk and His Line.*—Much has been heard during this controversy about Schomburgk and his line. A few words, therefore, on this theme:

Robert Hermann Schomburgk was born in Freiburg, Saxony, in 1804, and died in Berlin in 1865, aged sixty-one. Between 1825 and 1830 he was in the United States, first in Boston and later in Richmond, Virginia, where he was in the tobacco business. Failing in this, he went to the West Indies, where he surveyed the island of Anegada. His published observations on the cultivated plants of the West Indies brought him to the notice of the Royal Geographical Society, which in 1834 engaged him to explore in Guiana. He reached Georgetown or Demerara, as it is usually called, for the first time on August 5, 1835, and for nine years thereafter was engaged in exploration and survey work in Guiana. For the Geographical Society he made three journeys, of about six months each, into the interior, and in October, 1839, returned to England. Early in 1840 he published his little book, entitled *Description of British Guiana*. The Geographical Society awarded him a gold medal, the King of Prussia knighted him, and the same year Great Britain engaged the now Sir Robert Schomburgk to survey the boundary between British Guiana and Venezuela. This was not to be a joint survey, but only a British survey, the results to be presented to Venezuela and Brazil as a statement of the British claim. He returned from England to Georgetown in October, 1840, and made three more trips to the interior, now under government auspices. In May, 1844, he took final leave of Guiana and went to Barbados, where he stayed some time and wrote a history of the island. In 1848 he was made British consul at Santo Domingo. In 1857 he was sent to Siam as Her Majesty's Consul-General. In declining health he returned to England in 1864 and retired on a pension. He died in Berlin the following year.

With him during a part of his explorations was his brother, Richard Schomburgk, a trained botanist, who published an interesting account of the Guiana exploration, a work in three stout octavo volumes. Sir Robert, having informed himself as well as the means at hand and his zeal for his employer would allow, proceeded to trace out on the ground a line, setting up posts, blazing trees, and marking them with British insignia. His zeal seems to have overmastered his judgment, and all doubts were resolved in favor of his employer. Why not? Was not his line, after all, only a claim? But, alas, it came later to be treated as a line of right. The Schomburgk boundary survey grievously offended Venezuela. She protested at once, and insisted upon the removal of the marks. To this Great Britain, at length, consented, with the usual proviso that

by such act she waived none of her rights. This survey of 1841 and the resulting correspondence may be regarded as the beginning of the controversy.

In 1841 Schomburgk submitted to Sir Henry Light, the governor of British Guiana, a report setting forth the grounds upon which he laid claim to the Amacura and Barima for Great Britain. This was an official report intended for the public, and was given to the public in a parliamentary paper. On the same day, however, he wrote to Governor Light a *confidential* letter, pointing out the importance to Great Britain of the possession of Point Barima as a point commanding the entrance to the Orinoco River. In this letter he dwelt at length upon the fact that the occupation of Barima meant the commercial and military control of the entire Orinoco region. He also furnished a map showing the line claimed by him for Great Britain. What the Foreign Office thought of Schomburgk's claim I do not know. Certain it is, however, that this map was not made public for many years. The line shown thereon, says Great Britain at the arbitration, is the *only* Schomburgk line—*i. e.*, the only line Schomburgk ever drew. Without assenting to or denying this, it may be remarked that the phrase *The Schomburgk Line* had come to mean, both in popular and official usage, something different from the line on Schomburgk's map that was sleeping, unknown to the public and unknown to some of the officials, in the government archives.

There was published early in 1877, in London, a large, fine map of British Guiana, which has been often referred to as the Great Colonial Map or Great Map of the Colony. The map was engraved and printed by Stanford, of London. It is dated 1875. Its long title indicates that it was compiled from surveys by Schomburgk and corrected to date from surveys by the crown surveyor of the colonies and by the government geologists, Brown and Sawkins. The map bears this note:

The boundaries indicated in this map are those laid down by the late Sir Robert Schomburgk, who was engaged in exploring the colony during the years 1835 to 1839 under the direction of the Royal Geographical Society; but the boundaries laid down between Brazil on the one side and Venezuela on the other and the colony of British Guiana must not be taken as authoritative, as they have never been adjusted by the respective governments; and an engagement subsists between the governments of Great Britain and Vene-

zuela by which neither is at liberty to encroach upon or occupy territory claimed by both.

This map, compiled from official sources and with an explicit statement that it shows the *Schomburgk line*, was accepted as the official map of the colony. When the geologists, Sawkins and Brown, made a geological survey and map of the colony they carried their work to the boundary line shown on this map, and stopped there.

In 1886 or 1887 another edition of this map appeared. There is nothing in its appearance, however, to indicate that it is a second or different edition; the title is unchanged and the date is still 1875, as before; but the note as to the boundary has disappeared and in place of the old line a new boundary, differing materially from the old one, appears, a boundary which enlarges British Guiana and contracts Venezuela. The change, made at the instance of the government, may be regarded as a first publication of the line submitted by Schomburgk in 1846. It is, perhaps, needless to comment on the anger aroused in Venezuela by this publication, or to wonder at their designation of the *caprichosa linea de Schomburgk*. Early in the history of the United States Commission on the Venezuelan Boundary a piece of elastic was sent in bearing the printed words *Schomburgk line*.

Thus much for Schomburgk and his line, of which little was said in the arguments of counsel for Venezuela at the arbitration. Whatever temptations the story offered for unkind words, those temptations were resisted, and the arguments were maintained upon a plane commensurate with the great cause and the great tribunal designated to try it.

*Diplomatic Correspondence.*—The story of the correspondence between the governments touching their boundary is too long and tangled for recital here. Suffice it to say that there were proposals and counter-proposals, all of which proved fruitless. No agreement was reached. Several times Venezuela proposed arbitration, and several times Great Britain refused arbitration. In October, 1886, the British Government inserted in the *London Gazette* a notice reciting that information had come that Venezuela had made grants of land in the disputed territory, and declaring that such grants would not be recognized. The notice continued as follows :

“A map showing the boundary between British Guiana and Venezuela, claimed by Her Majesty’s Government, can be seen in the library of the Colonial Office, Downing Street, or at the office of the government secretary Georgetown, British Guiana.”

What map this was does not appear, but it was at about this time that the second edition of the Great Colonial Map appeared, the map bearing the expanded Schomburgk line. Prior to this notice, viz., in March, 1885, the British minister had commissioned two rural constables for the Amacura River, and in August, 1886, a British post was established on that river. Venezuela protested, and in January, 1887, demanded the immediate evacuation of the territory between the Amacura and the Pomeroon. This was not complied with, and Venezuela then broke off diplomatic relations. For ten years thereafter fruitless attempts were made to settle this old and irritating dispute. Meanwhile, and as early as 1886, the United States had manifested its interest in the question by offering to Great Britain its good offices in the matter. Finally, in February, 1896, after the famous Cleveland message of December, 1895, were begun the negotiations which led to the treaty of arbitration, which in turn ended the long dispute.

*United States Intervention.*—Mr Olney, Secretary of State in 1895, following up a correspondence begun as early as 1886, corresponded with Great Britain with a view to bringing about a settlement of the boundary question. This correspondence was, on the part of Mr Olney, direct, vigorous, logical, and forceful. In due time, which means several months, came, late in 1895, Lord Salisbury's careful, courteous, diplomatic, and dignified reply, again declining to arbitrate. Thereupon promptly followed Cleveland's message to Congress, a message wherein, after briefly summarizing the situation, he said that, having sought in vain to induce a just settlement by impartial arbitration and being finally apprised of Great Britain's refusal to so settle, nothing remained but for the United States to determine for its own purposes where was the true divisional line between Venezuela and British Guiana. He thereupon recommended that a commission of five be appointed to investigate and determine the true divisional line between Venezuela and British Guiana, and that an adequate appropriation be made for its use. Then followed these weighty and significant words, whose power to thrill has not yet vanished: "When such report is made and accepted, it will, in my opinion, be the duty of the United States to resist by every means in its power as a willful aggression upon its rights and interests the appropriation by Great Britain of any lands or the exercise of governmental jurisdiction over any territory which, after investigation, we have determined of right belongs to Venezuela." Within four days from the writing of this

message its recommendations had been enacted into law, and almost, if not quite, without parallel, not a single vote was recorded against it in either house. What stronger evidence of its non-partisan character is possible? And yet only last week a prominent London newspaper could say :

“We were brought to the verge of war four years ago for the sake of Mr Cleveland’s reelection, and a pretext for a diplomatic quarrel will never be wanting when the anti-English elements of the Republic have to be conciliated.”

Thus, in January, 1896, was born the United States Venezuelan Boundary Commission, composed of David J. Brewer, Associate Justice of the Supreme Court of the United States; Richard H. Alvey, Chief Justice of the Court of Appeals of the District of Columbia, a skilled Spanish scholar; Mr F. R. Coudert, a distinguished member of the New York bar and of counsel for the United States in the Bering Sea case; Dr D. C. Gilman, geographer, president of Johns Hopkins University, and Dr Andrew D. White, historian and diplomatist. As its chairman, the commission chose Judge Brewer, and as secretary Mr S. Mallet-Prevost, of the New York bar, a thorough Spanish scholar and trained lawyer. Thus jurists, lawyers, and scholars composed the United States Commission, which organized forthwith, established an office in the Sun Building, on F street, and began investigation. Floods of information were poured in upon it, and floods of applications for employment. For a few weeks its work was the leading news item of the British and American press. To its aid it invited scholars—Justin Winsor, of Harvard College, distinguished for his great work on American history and cartography; Prof. J. Franklin Jamison, of Brown University, especially familiar with the history of the Dutch in America; and especially did it summon Prof. George L. Burr, of Cornell University, upon whom fell most of the historical research work. I have not ceased to marvel at the amount and excellence of the work done and results achieved by him. For aid in geographic matters the commission came to the Geological Survey, availing itself of the special knowledge of several of the experts in that office. After preliminary studies the work was organized, and Professor Burr went to Holland and to London to study the Dutch records. Here he was joined later by Mr Coudert. The secretary made, in the Harvard library, a special study of the maps of the region, and similar studies were carried on in Washington. It is not too much to say that the studies thus conducted threw much new light on the question; that supposed facts were in some important





Mr. S. Mallet-Prevost

Chief Justice Richard H. Alvey

Dr. D. C. Gilman

Justice Brewer

Dr. Andrew D. White

Mr. F. R. Coudert

THE UNITED STATES VENEZUELAN BOUNDARY COMMISSION, 1896-97

instances shown to be not real facts, and that consequently neither Great Britain nor Venezuela was master of its own case. Rarely, if ever, has a great case been sifted or studied with more thoroughness, impartiality, or care.

Meanwhile the diplomatic correspondence was proceeding with its usual deliberation, secrecy, and silence. It came to be seen that a finding adverse to Great Britain would produce an awkward situation. What influences were potent to bring about what actually resulted I cannot say, nor would it be wise to say if I could, but the result every one knows was an announcement by Lord Salisbury at the Lord Mayor's dinner in London, in November, 1896, that negotiations were in progress and so far advanced that he was justified in believing that a satisfactory solution of the much-vexed boundary question was about to be reached. This courteous and diplomatic statement meant arbitration, the arbitration which finally concluded, at Paris, on the 4th of last October, this ancient quarrel. Some three months after Lord Salisbury's announcement, to wit, on February 2, 1897, Sir Julian Pauncefote for Great Britain and Señor José Andrade for Venezuela signed in Washington a treaty of arbitration. That done, nothing remained for the United States Commission but to close its work and disband. The work of determining the boundary now passed on to the new tribunal constituted by the treaty.

The United States Commission had gathered a large amount of material useful for determining the question. Accordingly, in closing its work it prepared a brief report of its operations and accompanied it by appendices containing the material collected. This report consists of three octavo volumes and an atlas containing 76 maps, the whole constituting a distinct contribution to knowledge along geographic and historical lines.

*The Arbitral Tribunal.*—By the treaty there was constituted a tribunal of five jurists, composed of Lord Herschell and Lord Justice Collins, two of the foremost judges in Great Britain; Judges Fuller and Brewer of the Supreme Court of the United States, and the fifth to be chosen by those four. The English submitted the names of several jurists acceptable to them. Similarly, the American jurists submitted names of several jurists acceptable to them. In both lists was found the name of F. de Martens, a distinguished Russian writer on international law, and he was chosen as the fifth arbitrator. Before the case came to trial Lord Herschell died and was succeeded by Lord Russell.

On March 15, 1898, each party submitted in print its case, with accompanying papers. Venezuela's case was contained in three vol-



Justice Brewer

Lord Russell

Prof. Martens

Chief Justice Fuller

Lord Justice Collins

THE PARIS TRIBUNAL, 1899

umes and an atlas, Great Britain's in seven volumes and an atlas. Four months later, on July 15, 1898, each submitted its counter-case. Venezuela's counter-case made three volumes and an atlas, Great Britain's two volumes and a portfolio containing six maps. Four months later, on November 15, 1898, each submitted its printed argument, Venezuela's being contained in two volumes and Great Britain's in one. The formal sittings for hearing the oral argument began in Paris, June 15, 1899, and lasted through fifty-four sessions of four hours each, ending on the 27th of September. Just one week later, on October 4, 1899, the unanimous award of the tribunal was presented, and a controversy which had lasted for fifty-eight years, which had brought three nations to the very verge of war, was over.

Great Britain was represented by four counsel, Sir Richard E. Webster, Attorney General; Sir Robert T. Reid, ex-Attorney General; Mr G. R. Askwith, and Mr Rowlatt.

Venezuela was represented by Gen. Benjamin Harrison, ex-President of the United States; Mr S. Mallet-Prevost, formerly secretary of the United States Venezuelan Boundary Commission; Gen. Benjamin F. Tracy, and Mr James Russell Soley.

Sir Richard opened for Great Britain in a speech lasting thirteen days; Mr Mallet-Prevost followed for Venezuela in a speech of thirteen days. Finally Sir Richard closed for Great Britain and General Harrison for Venezuela. Can I be mistaken in thinking General Harrison's argument much the stronger one? The speeches were reported in shorthand and printed from day to day, the whole making eleven folio volumes.

*The Award.*—The award was completed and signed October 3, 1899, and is signed by all the judges. It is a short document, making only about half of an ordinary newspaper column. After reciting in legal phrase the creation of the tribunal, its membership, and its duties, it declares:

"Now we, the undersigned arbitrators, do hereby make and publish our decision, determination, and award of, upon, and concerning the questions submitted to us by the said treaty of arbitration, and do hereby, conformably to the said treaty of arbitration, finally decide, award, and determine that the boundary line between the colony of British Guiana and the United States of Venezuela is as follows:

"Starting from the coast at Point Playa, the line of boundary shall run in a straight line to the River Barima at its junction with the River Mururuma and thence along the midstream of the latter river to its source and from that point to the junction of the River Haiowa

with the Amakuru and thence along the midstream of the Amakuru to its source in the Imataka Ridge and thence in a southwesterly direction along the highest ridge of the spur of the Imataka Mountains opposite to the source of the Barima and thence along the summit of the main ridge in a southeasterly direction of the Imataka Mountains to the source of the Acarabisi to the Cuyuni and thence along the northern bank of the River Cuyuni westward to its junction with the Wenamu and thence following the midstream of the Wenamu to its westernmost source and thence in a direct line to the summit of Mount Roraima and from Mount Roraima to the source of the Cotinga and along the midstream of that river to its junction with the Takutu and thence along the midstream of the Takutu to its source, thence in a straight line to the western point of the Akarai Mountains and thence along the ridge of the Akarai Mountains to the source of the Corentin called the Cutari River."

In this award are involved two things: *first*, the sovereignty of a tract of country claimed by two nations; *second*, international arbitration as a mode of settling such disputes. As to the *first*, the award is clear, sharp, and decisive, though it will be contrary to general experience if difficulties of interpretation do not arise when the line is surveyed. As to the *second*, viz., the international arbitration of such questions, this is strengthened by a unanimous award, but weakened by the absence of a written opinion setting forth the facts and principles upon which the award was reached. As the common law has grown up and been established by the opinions of great jurists dealing with great cases, so here was, it seems to me, an exceptional opportunity to expound and establish principles of international law that would be most helpful in the future. The award is obviously the verdict of a widely disagreeing jury, which finally compromises on a line satisfactory to none. Such a decision concludes the particular dispute, but affords little light for the future.

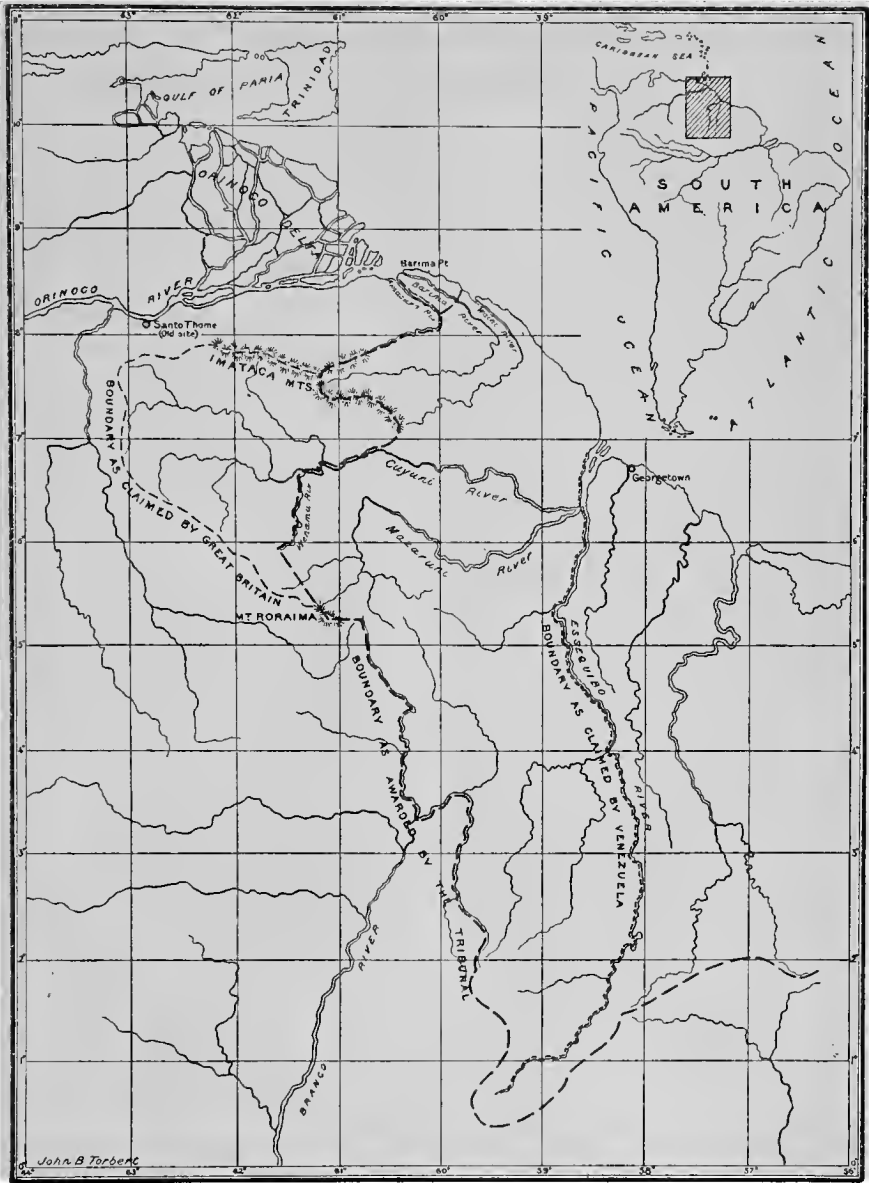
In theory, principles of international law control; in fact, compromises control. The award is on its face a compromise. Moreover, on the day on which it was published there was cabled to America an interview with Justice Brewer, in which the reporter quotes him as saying:

"Until the last moment I believed a decision would be quite impossible, and it was only by the greatest conciliation and mutual concessions that a compromise was arrived at. If any of us had been asked to give an award, each would have given one differing in extent and character. The consequence of this was that we had to adjust our different views, and finally to draw a line running between what each thought right."

Courts, other than criminal, are constituted to settle disputes—justly if possible, but to settle them; and so this august tribunal has settled this old and irritating dispute peacefully, lawfully, and I wish I could add, justly. Contrasted, however, with any other device for settlement, arbitration is the best practical mode yet devised, and is cheap. Last week a statement of the expense in the case of the Venezuelan Boundary Arbitration was presented to the House of Commons. The cost to Great Britain from 1895 up to last week was £65,625, or about \$320,000. The cost to Venezuela is not published, so far as I know, but is probably not less. The appropriation by Congress for the United States Commission was \$100,000. So that the total cost to the nations involved in a fierce and hot dispute, lasting four years, conducted by peaceful means, was about three-quarters of a million of dollars, equal to war expenses for about one day. In the way of cost, then, arbitration is most economical; and as to *justice*, Venezuela gets not all she desired, but she does get control of the mouth of her great river, the Orinoco. Former British ministries had recognized the justice of her claim to this, and had proposed to cede to Venezuela this Orinoco mouth; but since the British moved forward into this tract some fifteen years ago and took possession by establishing police stations, issuing mining and timber licenses, etc., Venezuela's efforts to induce her to withdraw from the Orinoco mouth have been unavailing. Nor could she drive her out. By the arbitration, therefore, Venezuela, the weaker power, gets something which is of much value to her, which she has always prized, which Great Britain possessed herself of and the title to which she refused to arbitrate until after intervention. The very pith of the award lies in the possession and control of the Orinoco mouth. That Venezuela gets this is to my mind an act of justice and a triumph for arbitration, which does much to reconcile to a decision which I wish were in all respects as just as this.

But the European and American view of American questions is far apart. As to prior rights resulting from discovery, occupation, etc.; as to rights based on relations with the aborigines; as to the nature, extent, and effect of political control—respecting all these, America and Europe are far apart. Jurists of the highest ability and integrity are certain to find themselves holding irreconcilable views. All this is most significant and should never be lost sight of when arbitration is proposed as a mode of settlement.





MAP SHOWING BOUNDARIES AS CLAIMED BY GREAT BRITAIN AND VENEZUELA AND AS AWARDED BY THE PARIS TRIBUNAL, 1899





~~IR RABBIT 89~~

~~R RABBIT 89~~

~~MAY 24 1977~~

~~SEP 15 1986~~

232336

## The Anglo-Venezuelan boundary dispute.



3 1924 021 109 529

ok





